

## REMARKS/ARGUMENTS

Please cancel claim 1 without prejudice. Claim 112 has been amended to correct a typographical error. Claims 91-112 are now pending.

In an Office Action dated August 28, 2003, the Examiner (i) rejected claims 97-99 under 35 U.S.C. § 112, second paragraph, (ii) rejected claims 1, 91-103, and 108-112 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,790,700 A to Callais ("Callais"), (iii) rejected claims 1, 91-103, and 108-112 under 35 U.S.C. § 102(b) and 35 U.S.C. § 102(f) as anticipated by U.S. Patent No. 5,050,213 A to Shear ("Shear"), and (iv) rejected claims 104-107 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,638,443 A to Stefik ("Stefik").

Applicants respectfully request reconsideration of the above rejections for the reasons set forth below.

### Rejection of Claims 97-99 under 35 U.S.C. § 112

Applicants have amended claims 97-99 in the manner suggested by the Examiner, and thus respectfully request that the rejection of these claims be withdrawn.

### Rejection of Claims 1, 91-103, and 108-112 under 35 U.S.C. § 102(b) in view of Callais

Claims 1, 91-103, and 108-112 were rejected under 35 U.S.C. 102(b) as anticipated by Callais.

Although Applicants do not agree with the Examiner's grounds for rejecting claim 1, Applicants have cancelled claim 1 without prejudice, thus rendering the rejection of that claim moot.

As to claim 91, this claim recites a method of using a governed item at a processing arrangement, and includes the steps of receiving first and second rules at the processing arrangement, employing the first and second rules to securely govern at least one aspect of access to or use of the governed item, and storing audit-related information relating to the access or use.

Applicants submit that Callais does not teach or disclose, *inter alia*, the receipt of first and second rules at a processing arrangement, where they are employed to govern at least one aspect of access to or use of a governed item. For example, it appears that the Examiner has mapped the second rule of Applicants' claim onto the subscriber key described by Callais (see, e.g., Office Action at page 5, citing Callais, col. 5, lines 14-18). Applicants respectfully submit, however, that a physical subscriber key, as disclosed by Callais, is not an electronic rule, as described in the present application. For at least this reason, Applicants respectfully submit that claim 91 is not anticipated by Callais.

Claims 92-94 are dependent on claim 91, and are thus allowable for at least the reasons set forth above in connection with claim 91.

As to claims 94-103 and 108-112, Applicants note that the Examiner has not set forth his basis for rejecting these claims in light of Callais (see, e.g., Office Action at pages 4-6, detailing the grounds for rejecting claims 91-93 in view of Callais, but not

providing similar information for claims 94-103 and 108-112). Applicants have assumed that the first sentence of Section 7 of the Office Action (see Office Action at page 4) contains a typographical error, and should indicate that only claims 1 and 91-93 are rejected in view of Callais. In any event, Applicants respectfully submit that all of the pending claims are patentable over Callais, for at least the reasons similar to those set forth above.

Rejection of Claims 1, 91-103, and 108-112 under 35 U.S.C. § 102(b) and 102(f) in view of Shear

Claims 1, 91-103, and 108-112 were rejected under 35 U.S.C. §§ 102(b) and 102(f) as anticipated by Shear.

Although Applicants do not agree with the Examiner's grounds for rejecting claim 1, Applicants have cancelled claim 1 without prejudice, thus rendering the rejection of that claim moot.

As to claim 91, a method for using a governed item at a processing arrangement is recited. The method includes the steps of receiving first and second rules at the processing arrangement, employing the first and second rules to securely govern at least one aspect of access to or use of the governed item, and storing audit-related information relating to the access or use.

Applicants submit that Shear does not teach or disclose, *inter alia*, the delivery of first and second rules to a processing arrangement where they are employed to govern at least one aspect of access to or use of a governed item. For example, it appears that

the Examiner has mapped the first rule of Applicants' claim onto a content decryption key (see, e.g., Office Action at page 7, citing Shear, col. 11, lines 36-42). Applicants respectfully submit, however, that a simple content decryption key, as described in Shear, is not a rule, as described in the present application. For at least this reason, Applicants respectfully submit that claim 91 is not anticipated by Shear.

Claims 92-94 are dependent on claim 91, and are thus allowable for at least the reasons set forth above in connection with claim 91.

Similarly, claim 95 recites a method for using a governed item, and includes the steps of receiving a first rule set made up of one or more rules; decrypting at least a portion of the governed item, the decryption being governed at least in part by one or more of the first rule set rules; and making a use of the governed item, the use being governed at least in part by one or more of the first rule set rules.

Again, Applicants submit that the Examiner has, *inter alia*, incorrectly mapped the first rule set of Applicants' claim onto a content decryption key (see, e.g., Office Action at page 9, citing Shear, col. 11, lines 34-42). Applicants respectfully submit that a simple content decryption key, as described in Shear, is not a rule, as described in the present application. For at least this reason, Applicants respectfully submit that claim 95 is not anticipated by Shear.

Claims 96-103 are dependent on claim 95, and are thus allowable for at least the reasons set forth above in connection with claim 95.

The Examiner's rejection of claims 108 and 110 are similarly premised on the mapping of a content decryption key in Shear to a control in Applicants' claims (see,

e.g., Office Action at pages 12-13). Applicants respectfully submit, however, that a simple content decryption key, as described in Shear, is not a control, as recited by Applicants' claims, and for at least this reason, Applicants respectfully submit that claims 108 and 110 are not anticipated by Shear.

Claims 109 and 111-112 are dependent on claims 108 and 110, respectively, and are thus allowable for at least the reasons set forth above in connection with claims 108 and 110.

Rejection of Claims 104-107 under 35 U.S.C. § 102(e) in view of Stefik

Claims 104-107 were rejected under 35 U.S.C. 102(e) as anticipated by Stefik.

Claim 104 recites a method for performing a commercial process, and includes the steps of receiving, at a processing arrangement at a first site, first and second programming modules and authentication information from second and third sites, respectively. The claim further recites executing programming from the first and second programming modules, the execution contributing to the performance of a commercial process, the commercial process including (1) using a governed item, and (2) storing audit-related information relating to the governed item use.

Applicants submit that Stefik does not teach or disclose, *inter alia*, the receipt, at a first site, of first and second programming modules from two different remote sites, where the programming modules are authenticated and executed to contribute to the performance of a commercial process including (1) using a governed item and (2) storing audit-related information relating to the governed item use. Instead, the cited

portions of Stefik describe the transmission of a play request from a client to a server (see, e.g., Office Action at page 15, citing Stefik, col. 36, lines 22-27), the transmission of registration messages between the client and server (see, e.g., Office Action at page 16, citing Stefik, col. 36, lines 32-33 and col. 27, lines 32-48), and playing a requested digital work at the client (see, e.g., Office Action at page 16, citing Stefik, col. 36, lines 36-37 and col. 28, lines 39-43). There is no teaching or suggestion in Stefik that, e.g., the play request and the registration message comprise programming modules, much less that they originated at two separate remote sites, or that they are received at the same processing arrangement, where they are authenticated and executed to contribute to the performance of a commercial process including (1) using a governed item and (2) storing audit-related information relating to the governed item use. Instead, Stefik describes a fundamentally different process in which the play request and the registration messages appear to consist of data, not programming, and at least the play request is sent to a site other than the site at which the requested data item is played (i.e., it is not received at the processing arrangement at which the commercial process is performed). Moreover, Stefik's play request and registration messages are apparently sent between two sites (i.e., the server and the client), not three (i.e., first, second, and third sites recited by claim 104). For at least these reasons, Applicants respectfully submit that claim 104 is not anticipated by Stefik.

Claim 105 is dependent on claim 104, and is thus allowable for at least the reasons set forth above in connection with claim 104.

Similarly, claim 106 recites a method for governing an operation at a processing arrangement, and includes the steps of receiving first and second controls directly or indirectly from first and second parties, respectively; using the first control and the second control to at least in part govern a use of an item; storing a first type of audit-related information relating to the use of the item, the storing being required by the first control; and storing a second type of audit-related information relating to the use of the item, the storing being required by the second control.

Applicants submit that Stefik does not teach or disclose, *inter alia*, receiving, at a processing arrangement, a first control and a second control directly or indirectly from a first party and a second party, respectively; using the first control and the second control at the processing arrangement to at least in part govern a use of an item; storing a first type of audit-related information relating to the use of an item, the storing being required by a first control received from a first party; and storing a second type of audit-related information relating to the use of the item, the storing being required by the second control received from a second party. Instead, the cited portions of Stefik describe the transmission of a play request to a server (see, e.g., Office Action at page 17, citing Stefik, col. 36, lines 22-27), the transmission of registration messages between the client and the server (see, e.g., Office Action at page 17, citing Stefik, col. 36, lines 32-33 and col. 27, lines 32-48), and playing a requested digital work at the client (see, e.g., Office Action at page 17, citing Stefik, col. 36, lines 36-37 and col. 28, lines 39-43). There is no teaching or suggestion in Stefik that, e.g., the play request and the registration message are received from different parties and used to govern the use of

an item, much less that the play request and the registration message require storage of first and second types of audit-related information. Instead, Stefik describes a fundamentally different process in which the play request and the registration messages are sent between two parties (i.e., the client and the server), not three (i.e., the processing arrangement, the first party, and the second party recited by claim 106). Moreover, the play request is sent to a site other than the site at which the requested data item is played (i.e., the server), and the portions of Stefik identified as corresponding to the storage of audit information (i.e., Stefik at col. 29, lines 55-61) describe a process that is independent of (not required by) Stefik's play request and registration messages. For at least these reasons, Applicants respectfully submit that claim 106 is not anticipated by Stefik.

Claim 107 is dependent on claim 106, and is thus allowable for at least the reasons set forth above in connection with claim 106.

### Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in allowable form, and respectfully request reconsideration of the objections/rejections and the timely allowance of the claims.



Appln. No. 09/678,252  
Amdt. dated March 1, 2004  
Reply to Office action dated Aug. 28, 2003


PATENT  
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Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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